

REMARKS

Applicant respectfully requests reconsideration of the final rejection in light of the following remarks. Claim 1-24 are pending in the application, and all claims are rejected. With this response, no claims are added, amended or cancelled. The independent claims are claims 1, 17, 21, 22 and 24.

Applicant acknowledges that the Examiner has stated that the references listed in the Information Disclosure Statement filed on January 20, 2006 have been considered.

At section 3, on page 2 of the final Office Action the Office responds to applicant's arguments filed on January 20, 2006, and reiterates that Yoshida meets the limitations as claimed. The Office asserts that Yoshida teaches a cellular phone with a multiple-band receiver that can receive 900MHz and 1.8GHz radio frequency signals, and a multi-band receiver that includes a single band, dual band, tri-band and additional band capability. Therefore, according to the Office Yoshida teaches a system that effectuates received diversity within a mobile communication device. However, applicant respectfully submits that the teachings of Yoshida fail to disclose or suggest a system that effectuates receive diversity. Simply because a cellular phone can operate in multiple bands does not mean that the cellular phone can effectuate receive diversity reception. A multiband cellular phone is able to roam between different operating frequencies dependent upon operator networks or the geographic location of the device, but the multiband cellular phone disclosed by Yoshida is incapable of effectuating receive diversity because the phone does not contain a second antenna that facilitates reception of signals in one band and at least one of the bands received by the first antenna, wherein the second antenna is tuned depending on the signal type relayed to the second antenna, as recited in claim 1.

For at least the reasons discussed below, applicant respectfully submits that the cited references fail to disclose or suggest all the limitations recited by the claims. In particular, the cited references fail to disclose or suggest, alone or in combination a second antenna that facilitates reception of signals in a GPS band and

at least one of the bands received by the first antenna, wherein tuning of the second antenna depends upon a signal type relayed to the second antenna.

Rejections Under § 103

At section 5, on page 4 of the final Office Action, claims 1, 2, 5-11, 13-14, 16-19, 20-22, and 24 are rejected under 35 U.S.C. §103(a) as being obvious over Yoshida et al. (U.S. Appl. Publ. No. 2002/0081987) in view of Standke et al. (U.S. Patent No. 6,694,150).

Applicant respectfully submits that independent claim 1 is not disclosed or suggested by the cited references, because the cited references fail to disclose or suggest, alone or in combination a second antenna that facilitates reception of signals in a GPS band and at least one of the bands received by the first antenna, wherein tuning of the second antenna depends upon a signal type relayed to the second antenna, as recited in claim 1.

On page 5 of the final Office Action the Office acknowledges that Yoshida fails to teach a second antenna that facilitates reception of signals in a GPS band and at least one of the bands received by the first antenna, wherein tuning of the second antenna depends upon a signal type relayed to the second antenna. The Office relies on Standke for this teaching. However, Standke also fails to disclose or suggest this limitation recited in claim 1.

Standke discloses a telephone with an external antenna to access both telephone and GPS signals, and a diplexer or electronic switch that can separate the telephone and GPS signals. See Standke column 1, lines 38-41. Standke clearly discloses receiving both telephone and GPS signals at the same time, and then using a separator to separate the signals. See Standke column 1, line 64—column 2, line 3. In contrast, claim 1 recites that the second antenna is tuned based on a signal type relayed to the second antenna. As recited in claim 1, the second antenna can be tuned to receive either GPS band or at least one of the bands received by the first antenna, and a signal type is relayed to the second antenna indicating which band it should tune to. In Standke, the external antenna is not tuned to receive a telephone or GPS signal, because a separator is provided and there is no need to tune the external antenna to receive one signal type or another. Therefore, Standke and

Yoshida, alone or in combination, fail to teach or suggest all the limitations recited in claim 1, and for at least this reason claim 1 is patentable over the cited references. See MPEP § 2143.03.

Furthermore, there is no motivation to combine the teachings of Standke and Yoshida to produce a system that effectuates receive diversity wherein tuning of the second antenna depends upon a signal type relayed to the second antenna, as recited in claim 1. Receive diversity entails using two disparate antennas to enable stronger links and faster data transmission rates. To effectuate receive diversity a mobile device must be provided with two antennas, which are both configured to receive PCS signals. Therefore, two antennas are provided in claim 1. One antenna facilitates reception of PCS signals, and the other facilitates reception of either GPS or PCS signals depending upon a signal type relayed to the second antenna.

Neither Yoshida or Standke recognize providing a second antenna to effectuate receive diversity. Without this recognition, there is no suggestion or motivation to modify the references to produce tuning of a second antenna depending upon a signal type relayed to the second antenna. Therefore, there is no motivation to combine the teachings of Yoshida and Standke. Instead, the combination of references is based upon the applicant's own disclosure and the result of impermissible hindsight reasoning. See MPEP § 2142. In view of the arguments stated above, applicant respectfully request withdrawal of the rejection to claim 1.

The same remarks made above in connection with the obviousness rejection of claim 1 applies to the other independent claims 17, 21, 22 and 24 rejected on the same grounds, and withdrawal of the rejection thereof is requested.

As for the dependent claims 2, 5-11, 13, 14, 16, and 18-20, the same reasoning applies equally to these claims as advanced above in connection with the independent claims from which they depend and withdrawal of the obviousness rejection thereof for at least these same reasons is also requested.

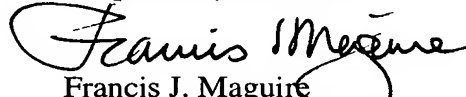
At section 6, page 14 of the final Office Action claims 3, 4, 15 and 23 are rejected under 35 U.S.C. § 103(a) as unpatentable over Yoshida and Standke, in further view of Eggleston (U.S. Patent No. 6,414,640). These dependent claims are

at least patentable in view of their dependencies, and withdrawal of the obviousness rejection thereof is also requested.

Conclusion

The rejections of the final Office Action of April 7, 2006, having been shown to be inapplicable, withdrawal thereof is requested, and passage of claims 1-24 to issue is earnestly solicited.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Francis J. Maguire". The signature is written in a cursive, flowing style with a large, prominent loop at the end.

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